

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33931

STATE OF IDAHO,)	2008 Unpublished Opinion No. 426
)	
Plaintiff-Respondent,)	Filed: April 11, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
ERICKA DAWN PURCELL,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Sara B. Thomas, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Ericka Dawn Purcell pled guilty to leaving the scene of an injury accident. I.C. § 18-8007. In exchange for her guilty plea, additional charges were dismissed. The district court sentenced Purcell to probation for five years. Purcell violated the terms of her probation, and the district court revoked probation and sentenced Purcell to a unified term of five years, with a minimum period of confinement of two years, but retained jurisdiction. Following successful completion of her retained jurisdiction, the district court placed Purcell on probation. Thereafter, Purcell again violated the terms of her probation, and the district court ordered execution of the unified term of five years, with a minimum period of confinement of two years. Purcell filed an I.C.R 35 motion, which the district court denied. Purcell appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In

presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including the new information submitted with Purcell's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Purcell's Rule 35 motion is affirmed.